



An  
Bord  
Pleanála

## Inspector's Report ABP-302688-18

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<b>Development</b>	Demolition of the existing building. and erection of new building (with a total floor area of 2936 sq.m) to be used as a boutique hotel
<b>Location</b>	7/8, Mount Street Lower, Dublin 2
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3513/18
<b>Applicant(s)</b>	Dale Vision Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Philip O Reilly.
<b>Observer(s)</b>	Department of Culture Heritage & the Gaeltacht.
<b>Date of Site Inspection</b>	14 <sup>th</sup> January 2019
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 607m<sup>2</sup>, is located at 7-8 Lower Mount Street in Dublin City Centre south and is occupied by building known as the “*Howl at the Moon*” nightclub. The site is bounded by Lower Mount Street to the north-east and Stephen’s Place to the southeast and is approximately 100m southeast of Merrion Square. The buildings in the vicinity are predominantly commercial / office in land use with occasional café /restaurant uses. To the southwest / rear of the appeal site is the Goethe Institut at 37 Merrion Square East (a protected Structure). The site is L shaped and runs to the rear of No’s 5, 6 and 7 Lower Mount Street and shares a boundary with 36 Merrion Square East (protected structure). Holles Street Maternity Hospital is located to the north of Mount Street Lower. The row of buildings opposite on Mount Street Lower are protected structures. Mount Street Lower is a wide street in the Dublin Context delineated by predominantly 4 storey buildings while Stephen’s place is a narrow service lane. Having regard to the location within the Georgian Core of Dublin the use of brick is the predominant façade material.
- 1.2. The site is occupied by a three storey over basement amalgamated building which dates from circa 1790. The building sits forward of the adjacent buildings and is in line with the railings of the adjoining properties. The building is rendered externally and finished with decorative stucco, quoins and window surrounds. It is seven bays wide onto Lower Mount Street and five bays wide onto Stephen’s place with a Victorian shopfront over half this façade. To the rear of the building on the site of the mews of no 36 Merrion Square is a modern double height red-brick extension with a large arched entrance from Stephen’s Place. The roof of this building serves as a roof garden with access from second floor level.
- 1.3. Documentation provided within the appeal file indicates that the interior of the building has been extensively altered with large single height volumes created over all floors and new openings to provide open plan connection of internal spaces. It is possible that some of the upper floor structures may be original but all floor coverings and wall and ceiling finishes are modern. No original joinery remains and window openings are blocked up internally. Some original cast iron columns and brick arched cellars remain at basement level. The original plan form of the building is not longer legible.

## 2.0 Proposed Development

- 2.1. The application as set out involves demolition of the existing building while retaining part of the Victorian shopfront and construction of a 5 storey over basement structure with set back top floor building (Seven storey in total). The new building will be used as a boutique hotel containing reception area with bar at ground floor, a total of 52 guest bedrooms on levels 1-4, a roof top licensed restaurant and a basement containing a function room, a meeting room, staff facilities, storage and plant rooms. The proposed development will also contain services and all other ancillary works to service the hotel.
- 2.2. Externally the building is proposed in a stock brick with a natural lime render (slurry render) finish with a reconstituted stone coursing in the brick façade. A Portland stone colour tone for this render is proposed. On its Mount Street Lower frontage, the building would have one bay set back where it adjoins No 6, three bays at the entrance foyer and three bays providing arched lighting to the basement.
- 2.3. The nature of the proposed development is set out within the documentation and drawings accompanying the application which includes the following reports:
- Town Planning Report, Manahan Planners
  - Design Strategy, Henschion and Reuter Architects.
  - Conservation Comment Padraig Murray Consultant Architect
  - Heritage Impact Assessment Report, Shaffrey Architects.
  - Photomontages Magnaparte.
  - Traffic / Transport Assessment, & Preliminary Mobility Management Plan NRB Consulting Engineers.
  - Sustainability and Energy Statement. CO Connor Sutton Cronin and Associates Consulting Engineers.
  - Construction Management Plan by JJ Cambell & Associates Consulting Civil and Structural Engineers.
  - Acoustic Assessment Proposal. Searson Associates Consulting Engineers.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 19<sup>th</sup> Septemebr 2018, Dublin City Council issued notification of decision to grant permission and to which 15 largely standard conditions were attached including the following:

- Condition 2. Development Contribution €88,871.11 in accordance with S48 Development Contribution Scheme
- Condition 3. Supplementary Development Contribution €48,203.00 Luas Cross City S 49 Development Contribution Scheme.
- Condition 5. The proposed rooftop rear (south facing) terrace shall not be used between the hours of 11.30pm and 09:00am.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### 3.2.1.1 Planner's report notes conclusion of Shaffrey Architects Heritage Impact

Assessment that the site does not make a significant contribution to the character of the area. Given the site has 100% site coverage the central location and height of surrounding buildings combined with public transport facilities a higher plot ratio is considered acceptable. Notes that previous refusal referenced detrimental scale and bulk while the proposal provides a reduced scale and mass including recessing 5<sup>th</sup> floor level. As a consequence, the proposal would appear to be more mannerly and sympathetic in terms of size and extent. Existing use provides no engagement with the street and the proposed hotel use will provide for more engagement and is likely to create more vibrancy and footfall. Restriction in hours of use of roof terrace appropriate to mitigate noise or overlooking or privacy issues. The proposal is a striking and innovative contemporary modern building which will sit comfortably in the streetscape. The proposal is considered an improvement on the existing building and contemporary design appears to reference the historic fabric of the streetscape

yet is appropriately scaled and designed to its setting. Permission was recommended.

### 3.2.2. Other Technical Reports

3.2.2.1 Engineering Department Drainage Division report recommends conditions regarding surface water management as previously recommended in previous application 2614/17.

3.2.2.2 Waste Management Section recommends conditions to apply.

3.2.2.3 Roads Streets and Traffic Department Road Planning Division indicates no objection subject to conditions including construction management plan, cycle parking.

### 3.3. Prescribed Bodies

3.3.1 Transport Infrastructure Ireland TII notes that the proposal falls within an area as set out in S49 Lev Scheme for Light Rail.

### 3.4. Third Party Observations

3.4.1 Submission by Philip O Reilly, 18 Grovener Place Rathmines, notes the zoning of the site Z8. This length of Mount Street Lower from no 1 to no 8 is of original 18<sup>th</sup> century building stock. While existing buildings have had interiors altered in recent decades the present an important in context and historical street setting in this original part of Lower Mount Street. Demolition of these structures is not justified. Zoning only allows for "limited expansion consistent with the conservation objectives". Proposal not limited and does not conform to principles of proper planning and development. This section represents the last intact vestige of the original historic lower Mount Street and is part of the intact original Georgian Core of the city. Proposal is not materially different from that refused by An Bord Pleanála. Proposal intends to introduce a modern intrusion of significant and overpowering bulk and size to this most important architecturally historic area.

## 4.0 Planning History

**PL29S.248729 2614/17** Application for demolition of the existing building in use as a licensed premise with roof garden and nightclub and the construction of a six storey building with a total floor area of 3,008 square metres) which will be used as a boutique hotel containing a reception area with bar at ground floor, a total of 53 guest bedrooms on levels 1-4 (with a terrace at the side elevation of level 3 facing west and at the front elevation at level 4 facing Lower Mount Street?) and a roof top licensed restaurant with associated roof terraces at level 5. The hotel basement is to contain function rooms, a meeting room, storage and plant rooms. The proposed development will also contain services and all other ancillary works to service the hotel; all at 7-8 Lower Mount Street Dublin. Permission granted by Dublin City Council was overturned by An Bord Pleanála on appeal for the following reason:

*“Having regard to the prominent location of the site, to the established built form and historic character of the area, and to the existing building on the site, which is considered to be of importance to the streetscape, it is considered that the proposed development would be incongruous in terms of its design, and by reason of its excessive height, bulk and mass would be out of character with the streetscape, and would adversely affect the setting of nearby Protected Structures. The design is not considered to justify the demolition of the existing structure on the site. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority as set out in the Dublin City Development Plan 2016-2022, in relation to conservation and design, and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

**4608/04** Permission for retention of shopfronts and associated signage to existing Public House at Mount Street Lower and Stephens Place. Retention of alterations and extension to rear.

**3563/10** Site immediately south of the site, Permission granted for extension 1,105 sq. m of floor space to the rear extending to Stephen’s Place for a language school for the Goethe Institute. The existing is in the form of a three storey over garden level building onto Stephen’s Place.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Dublin City Development Plan 2016-2022. The site is zoned *Z8 Georgian Conservation Area* – the objective is *“To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.*

The aim is to protect the architectural character /design and overall setting of such areas. A range of uses is permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and at night-time.

Chapter 11 Built Heritage and Culture sets out Policy CHC1 *“To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.”*

Chapter 16. Sets out development standards, design layout mix of use and sustainable design. 16.10.17 Retention and re-use of older buildings of significance which are not protected.

A number of development plan policies support the tourism industry include CEE 12 *“to support the provision of the necessary significant increase in facilities such as hotels.”*

### 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Mr Philip O Reilly, 18 Grosvenor Place, Rathmines. Grounds of appeal are summarised as follows:

- Inappropriate proposal in this most unique and historic core of 18<sup>th</sup> century Dublin.
- Buildings have stood the test of time for 220 years and contribute significantly to the historic core of the city immediately adjoining Merrion Square.
- Demolition not appropriate regardless of past abuses, inappropriate changes or any down at heel aspect of the current structures.
- Buildings make a historic contribution to the historic core of the city.
- Recommend a similar approach to that at 82, 83 and 84 St Stephen's Green where three 18<sup>th</sup> century houses converted for use as a boutique hotel.
- Statement made by the existing buildings on prominent corner setting should be retained.
- Scope available to develop the site sensitively.
- Proposal provides a huge modern intrusion onto a prominent site in the important historic core of the city.
- No difference between current proposal and that previously refused by An Bord Pleanála.

## 6.2. Applicant Response

6.2.1 The response submitted by Manahan Planners Town Planning Consultants on behalf of the first party with further submissions from Shaffrey and Associates and Pádraig Murray Conservation Architect. Submissions respond to the specific grounds of appeal as follows:

- Building is not a protected structure. While policy is to firstly consider retention of older building which are not protected, the report of Shaffrey and Associates sets out in detail the analysis and considerations that informed the decision to provide a new building on site. In conservation terms it is acceptable to provide a building of high architectural quality in lieu of the present building. This approach is supported in report of Padraig Murray Conservation Architect Grade 1.



- The building in its present condition is little more than a shell with its interior largely removed. Potential for development within the existing four walls was considered however rejected as an inappropriate design strategy - considered to be an incoherent, internally inconsistent, pastiche, dishonest and sham design which does not respond effectively to the grounds of refusal by the Board.
- Little remains of the original building other than the significantly modified front porch and partial side elevations. Existing building is uninsulated and suffers from significant heat loss. Minimum refurbishment of the existing structure and retention of the current use would mean a lost opportunity to provide this part of the city with an appropriate use and would result in underutilisation of the site.
- Potential for retention of the existing façade with new build hotel behind generated significant engineering and logistical challenges.
- Current design proposal constitutes an improvement in environmental performance on site, taking into account whole life cycle energy costs.
- Current building differs from the previous proposal refused by the Board and overcomes refusal reason. An additional set back top floor better matches heights of rear toward Merrion Square is altered, balconies amended and setbacks greater. Materials and fenestration changed.
- The building presents as a building of its time but is fully respectful of the Georgian history and context of the area.
- Proposal would provide a reference point as a hotel on a street that currently lacks a building or destination of immediate recognition.
- In terms of land use, visual impact and fit within the conservation area the proposal is consistent with the proper planning and sustainable development of the area.

### 6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

## 6.4. Observations

6.4.1 Submission from the Department of Culture Heritage and the Gaeltacht recommends refusal of the proposed development for heritage related reasons outlined in detail as follows:

- Development site is located within a high-profile conservation area adjacent to a number of protected structures, most particularly the internationally recognised Georgian buildings on Merrion Square.
- The current proposal is very similar to previous in terms of the extent of demolition and scale of development proposed within this significant Georgian character area.
- Historical mapping of the urban block clearly indicates the evolution of the site and provides some logic on how the two buildings were integrated overtime.
- The former public house site is a well-known landmark on the thoroughfare to Merrion Square and also as the termination point of the coach lane, Stephen's Place where it exits onto Mount Street Lower. The slightly larger scale of the public house and its positioning to the street closes off the view to the rear of the former coach houses and acts as the threshold to the semi-private internal Georgian gardens/service area situated behind the main terraces. The design of the former public house is clearly with an urban design consciousness. It manipulates the scale of the urban block. It is part of a hierarchy of scales and spaces that transition between the semi-private and the public – all of consequence to the understanding and experience of the Georgian plan.
- As an example of projecting corner bay, the proposal is a significant urban marker drawing attention to entrance corners and articulating terrace ends, closing off vistas. The surviving view of these elevations are noted as being of architectural importance.
- The external character of the historical structures at 7/8 Mount Street Lower remain coherent despite the unifying treatment applied to their elevations. They remain distinct and diverse roofscapes, stepping parapet heights and fenestration design and follow the building plots of their original construction. These characteristics are clearly discernible within the streetscape despite recent embellishments. They externally retain c18th scale and form that distinguishes them from the earlier

development phase of Merrion Square. They are clearly diminutive in scale deferring to the prominent Georgian Townhouses immediate to them. The early c19th century architectural form is evidence of the piecemeal development of Merrion Square after 1789 and is an important narrative about the continuing economic and social development of the area and Dublin itself. These buildings appropriately managed remain viable and carefully considered conservation works would greatly enhance their contribution to the area. They are an integral part of a surviving historic block that forms Merrion Square East.

- It is noted that the interim National Inventory of Architectural Heritage (NIAH) survey for Dublin has been progressed and these structures have been included but no recommendations issued.
- The context of the proposed development is significant in that it is within a wider and substantially intact Georgian quarter that retains the legibility of the original design i.e. the hierarchy of building scale to the Georgian building plot from the principle structure and return to coach house, from public garden to semi private gardens and to coach lanes with the overall amenity of shared spaces to the rear of the formal public terrace. These shared spaces behind the main terraces enjoy the amenity of each other's private gardens and yards and are of the utmost importance in supporting Dublin City Council's objectives of residential use and a sustainable city.
- Whilst recognising that Stephen's lane has incrementally lost historic fabric the underlining structure of the coach lane and the over-riding diminutive scale of the planning hierarchy to the rear of the main terraces remain. This was recognised as an important part of the planning approach to the Geothe Institute re-development which managed the reduction of new build bulk within the site to achieve a sympathetic coach house scale.
- Insertion of a substantial building block within the former coach houses site will clearly impact on the amenity of several prominent Georgian townhouses to the east side of Merrion Square and to Mount Street Lower. The accumulation of the former coach house site to the rear of no 36 Merrion Square with that of 7/8 Mount Street Lower, allows significant monolithic development to encroach to the rear of the principle structures. The siting, mass and bulk of the proposed replacement building

will prevent the enjoyment of the historical 'borrowed views' over the amenity of the rear central space. This may be regarded as a major disruption to the understanding and function of the inter-related spaces and to the overall significance of the wider context.

- The proposed basement accommodation requires extensive underpinning / excavation immediate to the rear structure and to the rear of the Mount Street Lower properties which has not been indicated as a significant impact on the architectural heritage. The provision of supplementary shared and amenity to the rear of the protected structures is not indicated in the proposals and the servicing strategy for the extensive subterranean accommodation to the proposed has not been provided, The use and design of the flat roof above kitchen and stores is highlighted in this regard.
- The proposal develops the original footprint of the former public house to the scale plus of the Georgian townhouse – the step forward in the plan over 6 floors constitutes a major visual disruption in the Georgian streetscape. The juxtaposition of the proposed development in the context of the canted terrace end previously raised is noted with concern.
- The scale and girth of the proposed building is of an inherently different design, materiality with a stepped over-flying roof form at 6 storeys level may be considered to be overly dominating and impactful within this historic streetscape immediate to the planned terrace of East Merrion Square.
- Significant impact to coach lane also evidence.
- Small differences to the proposed development have been made to the previous application refused. In general, the proposed infill building is of a greater monolithic scale and manages less successfully to fit into the extant urban block.
- Proposed arcade and setbacks on ground floor level onto Mount Street Lower are not in keeping to the ground floor designs on Merrion Square.
- Monolithic form of the proposed development is fully visible onto Stephen's Place and Mount Street Lower cuts through the Georgian terrace as it doesn't adequately respond to the linear grain of the original Georgian gable and roofscape discernible above the 19<sup>th</sup> century structures

- Proposed slurry finish in the midst of the historic streetscape undermines the contextual brick palette of the Georgian city.
- The proposed development doesn't manage the critical relationships or connections to adjoining structures adequately. The transition to the historic terrace on Mount Street Lower is proposed through a single recessed building bay which ignores the historic building plot rhythm of the extant historic buildings.
- The inclusion of the finely crater Victorian shopfront as part of its overall contemporary facade treatment is not a successful conservation outcome as the new setting removes the integrity of the artefact.
- The proposed development is contrary to proper planning and development. The existing buildings on site are of architectural and historical significance and are capable of reuse and incorporation, where applicable into an appropriate redevelopment of this site in line with the policies and objectives of the Dublin City Development Plan.

## **6.5. Further Responses**

### **6.5.1 Third party appellant's response to first party response to the appeal.**

- Existing building on the site is of importance to architectural heritage as part of the original Lower Mount Street and of importance to the streetscape.
- The proposal presents as a repeat of the Fitzwilliam Street debacle 50 years ago.
- Reference to the existing buildings being incongruent in their present setting demonstrates lack of understanding and indifference.
- Fact that they are not listed buildings is not a justification for their demolition.
- No justification to destroy the historical or architectural heritage of the city for building hotels regardless of market need.
- Proposed buildings will be out of scale with the modest Georgian houses at 1-6 Lower Mount Street will dominate all around and be out of scale and out of character when viewed both from Lower Mount Street and Merrion Square, the most important historic Georgian core in Dublin.

- Arguments for not working around existing structures disingenuous. Modern technologies can readily deal with insulation and inappropriate subdivisions.
- Lower Mount Street would benefit from the refurbishment of the existing building into a boutique hotel operating within the historic structure.
- Significant loss of historic fabric, will harm original street patterns.
- No 65/66 Lower Mount Street was an infill development and arguments for high and scale not relevant where historical height and scale involved.
- Buildings contribute to the special interest of the ACA and inappropriate alterations can be reversed and original character of the buildings reinstated.
- The buildings have a visual age and familiarity that is correct in its setting and contributes to the traditional character of the streetscape on Lower Mount Street.
- No outstanding quality to the proposed design. Elevational treatment will be at odds with adjoining buildings. Design and bulk has no regard for its surroundings.

## **6.5.2 First Party Response to submission from Department of Culture Heritage and the Gaeltacht.**

6.5.2.1 Submissions by Manahan Planners, Shaffrey Associates Conservation Consultant, Henchion Reuter Architects and Pádraig Murray, Conservation Architect respond to the issues raised in the Department of Culture Heritage and Gaeltacht observation as follows:

- Notably no Conservation or heritage organisation such as An Taisce or Dublin Civic Trust objected to demolition.
- Building bought on behalf of the Press Up Entertainment Group, one of the biggest operators of entertainment venues in the city, with enviable record of refurbishing protected structures and period buildings.
- Initial plan was for reuse of the existing building however examination of the building revealed significant current and future difficulties.

- Following previous refusal applicants have made every effort over the past nearly two years to come up with a suitable development for the site.
- If refused again the street will be left with a vacant and decaying building contributing nothing positively to the street.
- The proposed building is of its time but fully respectful of the Georgian history and context of the area.
- Proposed development of a high-quality hotel is a significant improvement on the previous use of a super club with all the anti-social behaviour, fighting and general nuisance.
- Department's comments place great emphasis on the importance of the semi-private internal Georgian gardens and the planned progression from main house to stable yard the implication being that the proposed development somehow prevents the enjoyment of the historical borrowed views over the amenity of the rear central space and that the proposed development is regarded as a major disruption to the understanding and function of the interrelated spaces and to the overall significance of the wider context. 7/8 Mount Street Lower are located in a remote corner of the shared semi-private space, increasing their height by two storeys will have no impact whatsoever on the borrowed views over the rear central space.
- Proposal is for a five storey building that respects its 18<sup>th</sup> /19<sup>th</sup> century neighbours with a setback penthouse that corresponds in height to the adjoining pitched roofs. Like the roofs the penthouse may be glimpsed from the street but it will not read as a sixth floor.
- Existing buildings at 7/8 Mount Street are incongruous were a mistake a mistake when first built and became a terrible mistake when the modifications of the late 19th Century were completed.
- The sophistication of the current design appears not to have been understood by the Department. Proposal has been developed as a nuanced response to its location within the Georgian Dublin. The design combines the best of contemporary design with informed architectural references to its historical situation presented.
- Notable differences between the current proposal and that previously refused by the Board as follows:

- 2614/17 design attempts to make a composition of a 4&5 storey contextual (pastiche<sup>1</sup>) brick base with an emergent modern set back construction at the upper 2 levels whereas the 3513/18 design is a singular cohesive architectural design proposition.
- 2614/17 design creates a shopfront type expression with stone fascia at ground floor – thereby ‘detaching’ the upper floor from the street whereas the 3513/18 design allows the weight and expression of the masonry building to ‘stand’ on the street.
- 2414/17 design has a conlonnade on ground floor with set back glazing and cantilevered corner with the attendant potential for anti-social behaviour. The 3513/18 design allows the structural rigour of the upper floors to continue to the ground floor – this is significantly more in keeping with Georgian Dublin.
- 2614/17 design introduces a mix of 4 storey and 5 storey parapet heights which have no meaning in this context. 3513/18 design continues the 5 storey parapet height of the adjacent building thereby maintains the definite of the street.
- 2614/17 design aims to create a pastiche of the Georgian window format whereas the 3513/18 design allows a contemporary hotel function to be reflected in the contemporary windows design.
- 2414/17 design has predominantly dark modern brickwork foreign to Georgian Dublin 3513/18 design is brighter with pigmented slurry render to the brickwork more in keeping with the context.
- 2614/17 maintains current plot size and is overbearing to the street. 3513/18 design sets back the building by c400mm thereby relieving the footpath width and public realm.
- 2414/17 design makes a corner entrance under the cantilever for which there is no precedence in Georgian Dublin 3513/18 design maintains the rhythm of the 3 bay Georgian house with frontal access thereby establishing a solidity to the corner more in keeping with Georgian precedent.



- 2614/17 design is overbearing to the adjacent Georgian house at 6 Lower Mount Street, the 3513/18 design establishes an interim setback condition to avoid this issue.
  - 2614/17 design due to lower parapet height and wider street frontage has a horizontal emphasis. 3513/18 design is vertical in emphasis and therefore more in keeping with its context.
  - 3513/18 design offers a more complex and nuance interface with the public realm at ground floor.
- Letter from Department places extensive but misguided emphasis on the urban grain and structure that define characteristics of the Georgian core.
  - Much of Georgian fabric was the result of an explosion of speculative development by the aristocratic great estates. Mount Street Lower was part of an important access and connection route through the city. The level of survival of the Georgian domestic building fabric is more mixed along Mount Street lower, directly reflecting the changing social dynamics of the city particularly through the 20<sup>th</sup> century. No 7 and No 8 is in a non-statutory conservation area. The zoning objective primary function is to protect the character of the streetscape and area character that defines the Georgian core.
  - The site of no 7 and no 8 is in close proximity to Merrion Square forming part of the urban structure and grain of the character that relates to Georgian core but is a secondary element. Due to the loss of the Lower Mount Street's Georgian building stock during the twentieth century, being replaced with modern office blocks it is now at a transition point in the streetscape.
  - While No 7 8 Mount Street of streetscape value they do not meet criteria to warrant addition to the RPS. The façade, an amalgamation of the plots, is not unique or of high architectural quality. The building can be considered of local value using the NIAH rating, which are structures or sites of some vintage that make a contribution to the architectural heritage but has lost much of their original fabric.
  - The primacy of plot subdivision is to Merrion Square. No 35 Merrion Square provides a unique corner resolution on the square but is notable by its lack of

garden and mews. No 7/no 8 is tightly planned to deal with the corner transition into Stephens Place fitting 4 separate buildings on the site. This packing density most likely limited the building height onto Mounts Street Lower rather than a conscious urban design statement to mark a transition to the secondary back lane.

- The conservation zoning objective does not extend to the back lane reflecting the substantial loss of fabric character and fragmentation that has occurred to the rear of the townhouses on Merrion Square East along Stephen's Place. No 36 Merrion Square no longer has a relationship with Stephen's Place and its rear plot is extensively built on.
- No 7 and no 8 is part of the urban structure and grain that relates to the Georgian Core but it is not a primary defining element of its character.
- The extent of loss internally reduces any potential adaption to facadism. The façades of no 7 and no 8 are not of high order quality but facades that have no special intrinsic merit can contribute significantly to a streetscape. The patina of age and narrative that older buildings provide of the past along with their aesthetic value give a reassurance of familiarity with a place. The value of no 7 and no 8 is derived from age value, familiarity, architectural diversity and the contrast provided by their incongruous scale in accentuating the transition to the historic core.
- The adjacent 4/5 storey buildings from no 1-6 provide the streetscape typical of the Georgian core whereas the drop-in scale between no 6 and no 9 weakens the streetscape continuity. The step in street alignment is not unique, the prominence in the streetscape being accentuated by its incongruous scale.
- The replacement of no 7 and no 8 provides opportunity to reinforce the enclosure of the streetscape and provide continuity to the prevailing scale with a quality contemporary addition. The design alludes to the lot rhythm of the street without being constrained by it and uses traditional materiality (brick) and architectural references such as the arched arcade to achieve continuity with the architectural expression that exists around Merrion Square.
- The new building returns onto Stephen's place maintaining the prevailing street parapet height to provide a strong corner as the street at no 9 is setback as the

street widens at this point. Upper level setback mitigates visual impact. The narrowness of lane at entry point tempers the visual impact of increased height. The increase in scale of the corner and at Stephen's place to the rear of no 6 will not significantly adversely impact on the setting of the townhouse onto Merrion Square East.

- HRA /SA acted as architects and designers for the development of the Goethe Institute at 37 Merrion Square. This project has achieved a substantial volumetric extension to the existing Georgian House without overwhelming it a design approach brought to the site of 7/8 Mount Street. The design for 37 Merrion square was developed with the understanding that some volumetric development of the hotel site would be inevitable so is length and height of 3.5 storeys was judged to be the correct scale adjuster between a potential 5/6 storeys on the hotel site and possible future 2-3 storeys mews development along the rest of Stephen's Lane.
- Without the development of the 7/8 Mount Street site the Goethe Institute extension building remains an anomaly. The proposed hotel and completed project for 37 Merrion Square will be successful neighbours and together will create a sensitive resolution of this urban junction.
- 7/8 Mount Street was underpinned in the 1970s and a large basement inserted over most of the site. Underpinning work required adjacent to no 6 Mount Street is already significantly completed. Recent works completed at 37 Merrion Square have 2 floors of basement (deeper than proposed hotel basement) therefore no further underpinning required on this side. Minimal underpinning is therefore anticipated and impact on architectural heritage is not significant arising from basement construction.
- Disagree that the proposed design constitutes a major visual disruption. CGIs confirm that the development is a tasteful contextual intervention that has a positive impact on the public realm at this location.
- Development is significantly respectful of the context without fraudulent mimicry. The building is designed particular to its location in Georgian Dublin with nuanced architectural references to embed the completed building in the ongoing history of

the city. Top floor of the proposed hotel has been judiciously modelled to allow reasonable hotel use at this level with minimal visual impact on the street below.

- The declaration that proposed arcade and setbacks of ground floor level onto Mount Street are not in keeping to the ground floor designs of Merrion Square does not stand up to scrutiny. The detailed resolution of the public realm at this location is a drastic improvement on the current situation.
- Proposed slurry render closer to the historical approach of wig or tuck pointing where pigmented render was applied over the base brick layer to achieve a more plastic affect.
- The decision to include the Victorian Shopfront was not taken lightly by the design team and the new setting will change the meaning of this artefact. This element is finely crafted and is the only element of the existing building that has inherent fabric quality. Its integration into the new build facade can be successful if handled tastefully and will retain an echo to the historic past. Retention of the Victorian shopfront is a deliberate design response to facilitate an experience of the past through an integration of an artefact as urban archaeology in the new façade.
- Department has ascribed meaning to the size and scale of the existing building at 7/8 Mount Street that these buildings do not carry.
- The urban landscape is a diverse environment that is constantly evolving. Such change does not necessary diminish the historic urban landscape.
- The building at 7/8 Mount Street have reached a pivotal time in their life where their condition warrants removal and replacement providing opportunity to provide a quality building that address to an improves the architectural diversity of the city without diminishing its intrinsic urban heritage values.
- Submission from Press Up Entertainment Group notes frequent issues of anti-social behaviour related to previous Howl at the noon night club. Proposed hotel use will reinvigorate the street

### **6.5.3 Submission from Phil O Reilly in response to submission of Department of Culture Heritage and the Gaeltacht.**

6.5.3.1 Submission provides comprehensive and persuasive argument in defence of the heritage of this part of the city. Note comprehensive condemnation of the proposal in favour of retention of the existing historical streetscape at this most important historical part of the city. Having regard to the overwhelming arguments against the proposal from the highest heritage authority An Bord Pleanála should reject the proposal.

## 7.0 Assessment

7.1 I consider that the appeal can be addressed under the following broad headings:

- Principle of Development
- Conservation and Design - Impact on Architectural Heritage.
- Other Matters.

## 7.2 Principle of Development

7.2.1 The appeal site is located within an area zoned Z8 Georgian Conservation Areas in the Dublin City Development Plan 2016-2022. The zoning objective is *“to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.”* A range of uses including hotel use is permitted in principle within this zone. As regards adjacent land use it is noted that the surrounding area is characterised by medium to high density buildings, mostly containing commercial land uses while the streets to the rear Verschoyle Place and Stephen’s Lane contain residential buildings. The first party contends that the proposed hotel use is much more compatible with nearby residential dwellings than the former use as a large bar and night club. Furthermore, the proposed use will provide for greater interaction with the public realm and give rise to increased vitality and vibrancy to the street during the day. These arguments are reasonable and the proposed use is not questioned by any party to the appeal therefore it is appropriate to proceed to assessment of the proposal in its detail.

### 7.3 Conservation and design. Impact on Architectural Heritage.

7.3.1 On the question of the principle of demolition of the existing building, this is the key issue to be addressed within the appeal. The structure on the site is not a protected structure however the site is located within a Georgian Conservation Area Z8 and there are a number of notable protected structures in the vicinity, including Holles Street Hospital and No's 61-66 opposite on Mount Street, 36-38 Merrion Square East. I note that the Architectural Heritage Protection, Guidelines for Planning Authorities, Department of Arts Heritage and the Gaeltacht, 2011 provide at 3.10.2 *"Where it is proposed to demolish behind a raised façade, the onus should be on the applicant to make the case for demolition. The planning authority should consider the effect both on the character of the area and on any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area."*

7.3.2 The submissions on behalf of the First Party contend that the existing building at no 7 and 8 does not make a significant contribution to the character of the area where the prevailing design character is brick fronted eighteenth century townhouses. The history of the structure and historical context is explored in some detail within the submitted documentation. The building originally presented to Mount Street as three separate buildings in the Georgian era, originating circa 1790. In Victorian times the three buildings were clad in a painted render and the original plan form as three buildings removed over the years so as to create a single building. No 8 Mount Street on the corner had been in use as a public house since the turn of last century and appears to have been extended into the adjoining property formerly a shop in the 1960s. The large nightclub was created in the late 1980s following significant internal structural alterations. Virtually all original features have been removed and the original plan forms are now indistinguishable. The site also incorporates the building to the rear of 36 Merrion Square (Protected Structure) which appear to be its Mews building.

7.3.3 The first party contends that the building's prominence in the streetscape is due to its positioning and incongruous scale. Heritage Impact Assessment Report Shaffrey Architects concludes that the existing building being located on the periphery of the conservation area at a transitional point of change in the streetscape where there is extensive later twentieth century development. It does not make a significant contribution to the conservation area character and thus can be considered for removal. It is asserted that the building effectively is a hollow shell arising from previous extensive alterations with loss of original fabric and is now of greatly diminished heritage value. The drastic and irreversible modifications over time have resulted in minimal original building fabric. It is asserted that the only item of historic merit is a portion of the Victorian Shopfront to Stephen's Lane which is proposed for retention and incorporation into the new design. It is asserted that whilst options to incorporate the existing façade into a new build structure were considered these were rejected on the basis that such an approach would constitute facadism or architectural sham. This view is also supported in the submission by Pádraig Murray, Conservation Architect. The submissions on behalf of the first party note that historic environments are in a continual process of adoption to meet modern living standards and needs. While there is a presumption in favour of retaining historic buildings that extol a familiarity of place and sense of the past, at some stage in the life of a building, the extent of loss of original fabric is such that its architectural integrity is so eroded that preservation of original surviving fragments objectivity the elements so that no longer present as a building within the historic urban streetscape.

7.3.4 I refer to 16.10.17 of the Dublin City Development Plan Retention and Re-Use of Older Buildings of Significance which are not protected where it is outlined that the re-use of older buildings of significance is a central element in the conservation of the built heritage of the city an important to the achievement of sustainability. The Planning authority will actively seek the retention and re-use of buildings / structures of historic, architectural, cultural, artistic and /or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.

7.3.5 Policy CHC1 is the policy of Dublin City Council “To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.”

On the issue of the merits of the existing building, I am inclined to concur with the views of the third party appellant and the previous reporting Inspector that given its historical provenance – an original Georgian Structure, altered during the Victorian era and more significantly altered in the more recent past, with notable decorative features, diminutive scale, rendered façade and set forward prominence in the streetscape and having regard to its location on Lower Mount Street where many original Georgian buildings particularly to the south-east of the appeal site have regrettably been lost, the existing building contributes to the streetscape and its demolition in my view has not been justified. In my view the unique character, familiarity and sense of the past exhibited by the structure is worthy of conservation.

7.3.6 I note the submission from the Department of Culture Heritage and the Gaeltacht which highlights the significance of the site and location particularly in terms the context and relationship to Internationally renowned Georgian buildings on Merrion Square. The submission concludes that the existing buildings on site is of architectural and historical significance and capable of reuse and incorporation, into an appropriate redevelopment of the site. The submission notes that the interim National Inventory of Architectural Heritage (NIAH) survey for Dublin has been progressed and the structure has been included but no recommendations issued.

7.3.7 Having considered the documentation on file in its detail and having visited the site I conclude that the building is of architectural value and the demolition has not been justified. I consider that the scope for redevelopment of the site whilst incorporating the historic fabric has not been explored as required in accordance with the policies of the Development Plan which seek appropriately preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of the streetscape and the sustainable development of the city.



7.3.8 As regards the proposed design I note the evolution of the design as outlined within the submission from the Henchion Reuter Architects which asserts that the proposal is a nuanced response to location within Georgian Dublin. I consider that a review of the approach demonstrates the attempt to combine the best of contemporary design with informed architectural references to its historical situation, however I am inclined to concur with the third party appellant and the Department of Culture Heritage and the Gaeltacht that the proposal in its monolithic form is at odds with its context and has an adverse impact on the character and quality of the environs. Its relationship to the adjoining historic terrace on Mount Street Lower is somewhat abrupt and the siting of the structure forward on the streetscape exaggerates its now unjustifiable prominence in the streetscape. The retention of the ground floor arcade feature and its contribution to the streetscape is questionable. I would also concur that the proposed new setting of the Victorian Shopfront to Stephen's Place unduly compromises its integrity. I further consider that the scale of the structure to Stephen's Place is entirely inappropriate by reason of its excessive scale, bulk and massing. Clearly the proposal to provide this substantial structure on the appeal site would detract from the setting of the protected structures in the vicinity and would be contrary to the Z8 Georgian Conservation Objective pertaining to the site and would therefore be contrary to the proper planning and sustainable development of the area.

#### **7.4 Other Matters Appropriate Assessment**

7.4.1 The site is not within a Natura 2000 site. The closest Natura 2000 sites are the South Dublin Bay and River Tolka SPA 2km east of the site and the South Dublin Bay SAC 2.2km east of the site. Having regard to the nature scale of the proposed development and nature of the receiving environment, a serviced inter urban location, and proximity to nearest European Site no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

7.4.2 On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) “*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*”. Having regard to the size of the development site (.607ha) and scale of the development, it is sub threshold and does not the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an EIAR is not required.

## 8.0 Recommendation

8.1 I consider that the previous refusal reasons of the Board have not been overcome therefore I recommend that permission be refused for the reasons and considerations below.

Having regard to the prominent location of the site, to the established built form and historic character of the area, and to the existing building on the site, which is considered to be of importance to the streetscape, it is considered that the proposed development would be incongruous in terms of its design, and by reason of its excessive height, bulk and mass would be out of character with the streetscape, and would adversely affect the setting of nearby Protected Structures. The design is not considered to justify the demolition of the existing structure on the site. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority as set out in the Dublin City Development Plan 2016-2022, in relation to conservation and design, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector  
7<sup>th</sup> February 2019